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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/277,213	03/26/1999	YASUSI KOBAYASHI	FUJO-12.880A	3219

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EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 11/29/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/277,213

Applicant(s)

KOBAYASHI ET AL.

Examiner

Shick C Horn

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/18/01 & 6/14/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) 1-42, 45, 49, 51, 52 and 55-91 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 46-48 and 94 is/are allowed.
- 6) ☒ Claim(s) 43, 44, 50, 53, 54, 92, 93 and 95 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2732

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4-18-01 and 6-14-01 have been fully considered but they are not persuasive.

Priority

2. Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Art Unit: 2732

4. The disclosure is objected to because of the following informalities: in page 3 line 24 delete "sped" and insert --- speed---. In page 19 line 19 delete "the" and insert ---the---.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 43, 44, 50, 53, and 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 43 lines 5-6 and claims 53 and 54 lines 9-10 which recite "the exchange station" lacks clear antecedent basis because no exchange station have been previously recited in the claims and therefore the limitation is not clearly understood. In claim 44 line 13 which recite "a receiving equipment" is not clear as to whether it is reciting ---said receiving equipment--- of claim 43 lines 10-11. In claim 50 line 5 which recite "a loopback test" is not clear as to whether it is reciting ---said loopback test--- of claim 95 line 5. In claim 50 lines 3-4 which recite "a communication device" is not clear as to whether it is reciting ---said loopback device--- of claim 95 line 9.

Art Unit: 2732

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 95 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. in view of Deb et al.

Art Unit: 2732

Kim et al. disclose nearly all the subject matter now claimed. Note col. 1 lines 12-34 which recite a loopback device of a packet communication T1 network which transmit and receive loopback signal wherein a switching station uses loopback function to test a repeater or other equipment which is remotely separated therefrom, to thereby reduce the cost of maintenance of the system and col. 2 lines 23-48 which recite the use of a processor for control, outputting the transmission data to the loopback data inserting part and inputting the loopback data extracted from the loop back data extracting part, and to output network testing data clearly anticipate the switch station which exchanges a packet with a predetermined format initiating execution of a loopback test including the control processor performing the loopback test and the output and input ports connected to the output and input highways connected to a loopback device during the loopback test as in claim 95 and the communication device connected to the control processor for a loopback test as in claim 50.

Kim et al. did not recite the memory storing a program for the loopback test as in claim 95.

Deb et al. teach that it is known to provide a system memory for storing codes in contiguous locations whereby the codes are

Art Unit: 2732

written in simplified assembler language including LOOPBACK instruction as set forth at col. 8 line 63 to col. 9 line 23 in the field of information processing system organization for the purpose of providing a flexible means of terminal control, i.e. the use of software, which clearly anticipate the use of memory storing a program for the loopback test as in claim 95.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide memory storing a program for the loopback test as taught by Deb et al. to the system of Kim et al. because Deb et al. teach the desirable advantage of providing a more flexible means of control with the memory storing a program for the loopback test and said more flexible being desirable to achieve efficient system operation in Kim et al.

8. Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. in view of Kanda.

Kim et al. disclose nearly all the subject matter now claimed. Note col. 1 lines 12-34 which recite a packet communication T1 network including a switching station uses loopback function to test a repeater or other equipment which is remotely separated therefrom, to thereby reduce the cost

Art Unit: 2732

of maintenance of the system and col. 2 lines 23-48 which recite the use of a processor for controlling the switching station clearly anticipate the switch station which exchanges a packet with a predetermined format, the control processor controlling the switch station, and the intra-station device performing a communication operating according to the control information as in claim 92.

Kim et al. did not recite the interface unit converting a data format of the control information into data format which the switch can exchange as in claim 92.

Kanda teaches that it is known to provide a matrix switch apparatus having converting means for converting control signals in the format of a first communication protocol into control signals in the format of a second communication protocol as set forth at col. 12 lines 14-36 in the field of electrical communications for the purpose of providing a switching device with the added feature of responding to control signals in the form of various communication protocols which clearly anticipate the interface unit converting a data format of the control information into data format which the switch can exchange as in claim 92.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the

Art Unit: 2732

interface unit converting a data format of the control information into data format which the switch can exchange as taught by Kanda to the system of Kim et al. because Kanda teaches providing the added feature of responding to control signals in the form of various communication protocols in system operation in Kim et al.

Allowable Subject Matter

9. Claims 46-48 and 94 are allowed.

10. Claims 43, 44, 93, 53, and 54 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Macera et al. disclose a system having central processor for transmitting generic packets to another processor to be altered and transmitting altered packets back to central processor for routing wherein a DMA controller is used for reading and writing as in claim 94.

Art Unit: 2732

12. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington. VA., Sixth
Floor (2600 Receptionist at (703) 305-4750).

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Shick Hom
whose telephone number is (703) 305-4742. The examiner's regular
work schedule is Monday to Friday from 8:00 am to 5:30 pm EST and
out of office on alternate Friday.

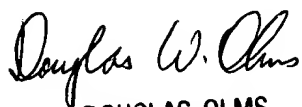
Art Unit: 2732

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms, can be reached at (703) 305-4703.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

SH

November 15, 2001


DOUGLAS OLMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600